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OFFICE OF PETITIONS

In re Patent No.: 6,995,136
Issue Date: February 7, 2006
Application No. 09/673,785
Filed: January 17, 1997
For: PEPTIDE FRAGMENTS OF MURINE
EPIDERMAL GROWTH FACTOR AS LAMININ
RECEPTOR TARGETS

DECISION ON PETITION

This is a decision on the communication filed October 10, 2005, styled as a petition for under 37 CFR 1.59(b) to expunge an assignment record recorded against the above-captioned patent.

The petition considered under 37 CFR 1.59 is dismissed.

Petitioner contends that the assignment recorded against this application at reel 13202 frame 635 is a nullity as the assignment recorded at reel 11438 frame 741 had already conveyed title to the same assignee.

The USPTO simply acts in a ministerial capacity in recording documents that have been submitted for recordation against an application or patent. See 35 U.S.C. § 261 and 37 CFR 3.11. However, the recording of a document pursuant to 37 CFR 3.11 is not a determination by the USPTO of the validity of the document per se or the effect that document has on the title to a patent or application. See 37 CFR 3.54. Furthermore, the USPTO will only determine the effect a recorded document has with respect to a given patent, per 37 CFR 3.54, "when necessary," and petitioner has failed to demonstrate it is now "necessary" for the USPTO to make that determination.

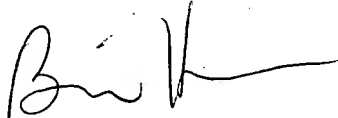
Likewise, the USPTO does not void or cancel recorded assignments. Office policy regarding recordation of assignment documents is directed toward maintaining a complete history of claimed interests in property and, therefore, recorded assignment documents will not be expunged even if subsequently found to be invalid. See In re Ratny, 24 USPQ2d 1713 (Comm'r Pat. 1992). Once a document is recorded with the Assignment Services Division, the Assignment Services Division will not remove the papers from the records relating to that application or patent. See MPEP § 323.01(d).

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Lastly as USPTO policy is that assignments and other recorded documents are not for retention in any application file, see MPEP 318, it follows that the petition presented under 37 CFR 1.59 was inapposite as such pertains to expungement of information from an application, not the assignment records of the USPTO which are not housed in any given application.

Telephone inquiries related to this decision should be addressed to the undersigned at (571) 272-3218.

A handwritten signature in black ink, appearing to read 'Brian Hearn', with a long horizontal flourish extending to the right.

Brian Hearn
Petitions Examiner
Office of Petitions